

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

PETINA K.,

Case No. 23-cv-3086 (LMP/JFD)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,¹

Defendant.

Edward C. Olson, Reitan Law Office, Minneapolis, MN, and Clifford Michael Farrell, Manring & Farrell, Dublin, OH, for Plaintiff Petina K.

Ana H. Voss, United States Attorney's Office, Minneapolis, MN, Chris Carillo, James D. Sides, and Sophia Doroba, Social Security Administration, Baltimore, MD, for Defendant Carolyn W. Colvin, Acting Commissioner of the Social Security Administration.

Plaintiff Petina K. appeals the denial of her application for disability benefits by Defendant Carolyn W. Colvin, Acting Commissioner of the Social Security Administration (the "Commissioner"). *See* ECF No. 1. After receiving briefing from Petina K. and the Commissioner (ECF Nos. 12, 14), United States Magistrate Judge John F. Docherty issued a Report and Recommendation ("R&R"), recommending that the Court reverse the Commissioner's decision denying benefits and remand to the Social Security Administration for additional consideration. *See* ECF No. 17. The R&R proposes remand

¹ On November 30, 2024, Carolyn W. Colvin became the Acting Commissioner of the Social Security Administration. The Court substitutes Carolyn W. Colvin as defendant in her official capacity. Fed. R. Civ. P. 25(d).

specifically for additional consideration and articulation by the Commissioner of the persuasiveness of Dr. Karayusuf's and Dr. Sperr's medical opinions. *Id.* at 14. Neither party objected to the R&R, *see* Fed. R. Civ. P. 72(b)(2), so the Court reviews the R&R for clear error, *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (*per curiam*). Finding no clear error, the Court adopts the R&R, reverses the Commissioner's decision, and remands to the Social Security Administration for further proceedings.

CONCLUSION

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The relief requested in Petina K.'s brief (ECF No. 12) is **GRANTED**.
2. The relief requested in the Commissioner's brief (ECF No. 14) is **DENIED**.
3. The Report and Recommendation (ECF No. 17) is **ADOPTED IN FULL**.
4. The final decision of the Commissioner is **REVERSED**, and the matter is **REMANDED** to the Social Security Administration for further proceedings consistent with the Report and Recommendation (ECF No. 17).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 3, 2025

s/Laura M. Provinzino
Laura M. Provinzino
United States District Judge